

Message Text

CONFIDENTIAL

PAGE 01 LIMA 01531 242258Z

62

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-02 SSO-00 NSCE-00

INRE-00 USIE-00 SS-15 NSC-05 PRS-01 PA-01 /047 W

----- 027619

O R 242210Z FEB 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 4042

INFO AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ

AMEMBASSY QUITO

C O N F I D E N T I A L LIMA 1531

EO 11652: XGDS1

TAGS: EAIR, PE

SUBJ: CIVAIR - DISPUTE WITH PERU

REF: STATE 039618; LIMA 1492

1. EMBASSY OFFICER MET WITH DGTA BERCKEMEYER FEBRUARY 24 TO INFORM HIM OF CAB SHOW CAUSE DIRECTIVE AND TO GIVE HIM COPY OF CAB PRESS RELEASE TOGETHER WITH EMBASSY'S UNOFFICIAL TRANSLATION. NEWS OBVIOUSLY CAME AS SURPRISE TO HIM, BUT HE REACTED CALMLY AND COMMENTED MOVE WAS NOT ENTIRELY UNEXPECTED, SINCE IT HAD BEEN CLEARLY ENVISAGED IN THE NEGOTIATING RECORD. IN RESPONSE TO DGTA'S QUESTION WHETHER CAB INTENDS REVOKE AEROPERU PERMIT, EMBOFF SAID PRESENT STEP SHOULD BE VIEWED AS START OF LEGAL PROCESS, DURING WHICH IT IS USG HOPE THAT FURTHER EFFORTS REACH AGREEMENT CAN BE MADE. EMBOFF DREW ON ANALOGY CONTAINED PARA 4 STATE 039617.

2. DGTA SAID HE TOO THOUGHT FURTHER MOVEMENT COULD BE MADE TOWARD AGREEMENT. SPEAKING "PERSONALLY" HE SAID PERU COULD OFFER BRANIFF MORE THAN FIFTEEN FLIGHTS NORTH AND ONE FLIGHT SOUTH PER WEEK, ALTHOUGH IT COULD NOT POSSIBLY

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LIMA 01531 242258Z

ACCEPT BRANIFF'S PREVIOUS 34-FREQUENCY SCHEDULE. HOWEVER,

HE COMPLAINED, BRANIFF HAD NOT TRIED TO MAKE ANY COUNTER-PORPOSAL IN FEBRUARY 17 MEETING, BUT HAD "WALKED AWAY". EMBOFF SAID HE UNDERSTOOD THAT TWO OF BASIC PROPOSALS UNACCEPTABLE TO BRANIFF WERE POLLING, WHICH ALSO UNACCEPTABLE TO USG, AND STRINGENT LIMITATIONS ON NUMBER OF PASSENGERS PER FLIGHT WHICH BRANIFF MAY BOARD ON SERVICES SOUTH OF LIMA. BERCKEMEYER COUNTERED THAT POOLING IS NOT IN FACT CONTRARY TO U.S. LAW AND THAT IN ANY CASE BRANIFF COULD HAVE MADE A COUNTERPORPOSAL, WHICH IT CHOSE NOT TO DO. WITH RESPECT TO LIMITATIONS, THESE WERE SOMETHING THAT MIGHT BE NEGOTIATED.

3. BERCKEMEYER SAID THAT AS FAR AS DGTA IS CONCERNED, BRANIFF MAY CONTINUE TO FLY PRESENT RESTRICTIVE SCHEDULE AFTER ITS OPERATING PERMIT EXPIRES ON FEBRUARY 28. IF BRANIFF DECIDES TO TERMINATE SERVICE, THE DECISION WILL BE THEIRS; PERU WILL NOT ASK BRANIFF TO LEAVE. OF COURSE, IF AEROPERU'S PERMIT IS SUSPENDED, GOP WILL RETALIATE BY SUSPENDING BRANIFF. IN THIS UNFORTUNATE EVENT, BERCKEMEYER SAID, BOTH SIDES WOULD LOSE, BUT BRANIFF WOULD BE FURT FAR MORE THAN AEROPERU, AND WHEN NEGOTIATIONS BEGAN AGAIN, "IN THREE, FOUR, OR SIX MONTHS", TWO SIDES WOULD BEGIN ZERO TO ZERO, OR EQUAL, WHICH WOULD BE DISADVANTAGEOUS TO BRANIFF. EMBOFF POINTED OUT THAT HEALTHY, GROWING BRANIFF SERVICE IS IN PERU'S OVERALL BEST SELF-INTEREST, TO WHICH BERCKEMEYER REPLIED THAT TOURISTS WOULD CONTINUE COME TO PERU NO MATTER WHAT HAPPENS TO BRANIFF AND THAT BRANIFF HAS EXAGGERATED ITS CONTRIBUTION TO PERUVIAN TOURISM. REFERRING TO BILATERAL, HE COMMENTED THAT CAB'S STATEMENT MIGHT BE TECHNICALLY ACCURATE, BUT PERU CAN NEVER EXCEPT PRINCIPLE OF EX POST FACTO APPROVAL OF FREQUENCIES. EMBOFF THEN ASKED BERCKEMEYER HOW HE THOUGHT FURTHER DISCUSSIONS MIGHT BE INITIATED, TO WHICH BERCKEMEYER RESPONDED WITH AN OFF-HAND WAVE TOWARD THE CAB PRESS RELEASE AND THE STATEMENT "THEY TOOK THIS MOVE, SO THEY SHOULD DECIDE."

4. EMBOFF EARLIER SPOKE TO AEROPERU LAWYER GULMAN BY TELEPHONE. HE HAD ALREADY BEEN INFORMED OF CAB ACTION AND SAID HE IS CONFIDENT AEROPERU CAN MAKE CONVINCING

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LIMA 01531 242258Z

CASE.

5. EMBOFFS HAVE APPOINTMENT WITH AMBASSADOR MARCHAND AT FOREIGN MINISTRY TOMORROW AND WILL LEAVE COPY OF CAB PRESS RELEASE WITH HIM.

6. COMMENT: BERCKEMEYER'S STOLID BUT POLITE REACTION WAS TYPICAL OF HIS ATTITUDE THROUGHOUT NEGOTIATIONS. HE APPEARS

TO HAVE ACCEPTED GULMAN'S HARDLINE ANALYSIS AND HE
IMPRESSED EMBOFF AS GIVING SINCERE EXPRESSION OF REGRET
AT PROSPECT OF SUSPENSION OF SERVICES WHILE REGARDING
PROSPECT AS FULLY ACCEPTABLE ALTERNATIVE FROM WHICH PERU
WOULD EMERGE THE STRONGER.

7. WE HAVE NO INDICATION HOW SENIOR GOP OFFICIALS WILL
ELECT TO TREAT MATTER IN THE PRESS. HOWEVER, DESPITE
BERCKEMEYER'S CALM, IF GOP RUNS TRUE TO FORM THERE WILL
AT MINIMUM BE A BARRAGE OF ANTI-BRANIFF AND ANTI-U.S.
COMMENTARY.

DEAN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, AIR TRAFFIC, DIPLOMATIC DISCUSSIONS, PRESS RELEASES
Control Number: n/a
Copy: SINGLE
Draft Date: 24 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975LIMA01531
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Film Number: D750065-0398
From: LIMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750219/aaaaaqvl.tel
Line Count: 127
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 039618, 75 LIMA 1492
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 03 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 SEP 2003 by ShawDG>; APPROVED <15 DEC 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - DISPUTE WITH PERU
TAGS: EAIR, PE, US, BRANIFF, AEROPERU
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006